

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAYMOND CLYDE,

Petitioner,

-V-

9:13-CV-101 (NAM/TWD)

DAVID ROCK,

Respondent.

APPEARANCES:

Raymond Clyde
96-A-2453
Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953
Petitioner, *pro se*

Hon. Eric T. Schneiderman, Attorney General of the State of New York
Michelle Elaine Maerov, Esq., Assistant New York State Attorney
The Capitol
Albany, New York 12224
Attorney for Respondent

Hon. Norman A. Mordue, Senior U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

Petitioner, an inmate in the custody of the New York State Department of Corrections and Community Supervision, brings this proceeding for *habeas corpus* under 28 U.S.C. § 2254. Petitioner challenges his convictions – ultimately upheld by the New York State courts – of attempted rape in the first degree; two counts of assault in the second degree; one count of unlawful imprisonment in the first degree; and one count of promoting prison contraband. Upon referral pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.4, United States Magistrate

Judge Thérèse Wiley Dancks issued an excellent and thorough Report and Recommendation (Dkt. No. 21) recommending dismissal of the *habeas corpus* petition and denial of a certificate of appealability.

Petitioner has filed a general objection (Dkt. No. 22), stating that he “objects to the Order and Report and Recommendation regarding the denial of all four grounds raised in the Petition” and further objecting to the recommendation that no certificate of appealability be issued. Where, as here, only general objections are filed, the Court reviews for clear error. *See Brown v. Peters*, 1997 WL 599355,*2-*3 (N.D.N.Y. Sept. 22, 1997), *aff’d without op.*, 175 F.3d 1007 (2d Cir. 1999).

The Court has thoroughly reviewed the Report and Recommendation and the record herein, and finds no error. Indeed, even applying the *de novo* standard of review, the Court agrees with and adopts the Report and Recommendation in its entirety. Accordingly, the petition is denied and dismissed.

A certificate of appealability may be issued “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Since petitioner has failed to make such a showing herein, the Court declines to issue a certificate of appealability in this matter. *See Hohn v. United States*, 524 U.S. 236, 239-40 (1998).

It is therefore

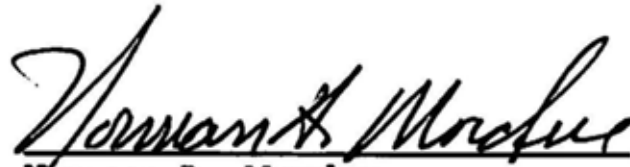
ORDERED that the Order and Report and Recommendation (Dkt. No. 21) by United States Magistrate Judge Thérèse Wiley Dancks is adopted and accepted in its entirety; and it is further

ORDERED that the petition (Dkt. No. 1) is denied and dismissed; and it is further

ORDERED that a certificate of appealability shall not be issued in this case.

IT IS SO ORDERED.

DATED: January 15, 2016
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge

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